

PROB 12C
(7/93)

United States District Court

for

District of New Jersey

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Heriberto Nieves-Alonzo

Docket Number: 08-00511-001

PACTS Number: 48920

Name of Sentencing Judicial Officer: Honorable Jose Antonio Fuste, D/PR; The Honorable Faith S. Hochberg accepted jurisdiction of this case on July 23, 2008

Date of Original Sentence: 07/09/2001

Original Offense: Conspiracy to Distribute Narcotics

Original Sentence: 120 months imprisonment; 7 years supervised release; drug testing/treatment.

Type of Supervision: Supervised Release

Date Supervision Commenced: 10/26/04

Assistant U.S. Attorney: Not assigned, 970 Broad Street, Room 502, Newark, New Jersey 07102, (973) 645-2700

Defense Attorney: Not assigned, 972 Broad Street, 2nd Floor, Newark, New Jersey 07102, (973) 645-6347

PETITIONING THE COURT

- ☐ To issue a warrant
☒ To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number Nature of Noncompliance

1. The offender has violated the supervision condition which states '**The defendant shall refrain from the illegal possession and/or use of drugs and shall submit to urinalysis or other forms of testing to ensure compliance. It is further ordered that the defendant shall submit to drug treatment, on an outpatient or inpatient basis, as directed by the U.S. Probation Office. The defendant shall abide by the rules of any program and shall remain in treatment until satisfactorily discharged with the approval of the U.S. Probation Office.**'

The offender entered into the CURA Inpatient Drug Program on July 25, 2008. On August 11, 2008, he left the program without the permission of staff or the probation officer.

2. The offender has violated the supervision condition which states '**The defendant shall reside for a period of 2 months in a community corrections center, halfway house or similar residential facility and shall observe all the rules of that facility. The defendant shall not be eligible for weekend privileges. The**

defendant shall pay subsistence as required by the program.'

On August 19, 2008, the offender entered into the Toler House Community Correctional Center for a sixty-day-period. On October 10, 2008, the offender was terminated from Toler House after he created a fire hazard by smoking a cigar in a shower stall with another resident.


3. The offender has violated the supervision condition which states '**You shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician.'**

On August 11, 2008, the offender told his drug counselor at CURA that he ingested a xanax pill and a bag of heroin. On August 19, 2008, the offender was drug tested at the halfway house and he was positive for cocaine, opiates, and oxycodone. On October 10, 2008, the offender reported to the Probation Office subsequent to be terminated from Toler House. At that time, the offender submitted to drug testing which yielded a positive result for opiates (heroin).

4. The offender has violated the supervision condition which states '**You shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.'**

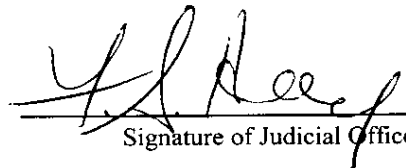
On October 16, 2008, the offender was directed to be at his residence at 6:00pm for a urinalysis test. The offender agreed to the above-noted time, but failed to make himself available as directed. The offender subsequently contacted the probation officer at approximately 7:30pm to advise that he was on his way home from work.

I declare under penalty of perjury that the foregoing is true and correct.

By: Edward J. Irwin
U.S. Probation Officer 
Date: 10/29/08

THE COURT ORDERS:

- ☐ The Issuance of a Warrant
☒ The Issuance of a Summons. Date of Hearing: 12/8/08 @ 1:30 P.M.
☐ No Action
☐ Other


Signature of Judicial Officer

11/15/08
Date